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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,567	04/24/2000	Louis J. Giliberto	204843	7174
23460	7590	05/14/2004	EXAMINER	
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780			NEURAUTER, GEORGE C	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/556,567

Applicant(s)

GILIBERTO ET AL.

Examiner

George C Neurauter, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 2-9 are pending and have been examined.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 March 2004 has been entered.

***Response to Arguments***

3. Applicant's arguments with respect to claims 2-9 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 2-4 and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Hampson et al. (US Patent 6 453 371 B1).

Regarding claim 2, Hampson discloses for use in a computer, a method of automatically exposing a remote device to an application through sockets via RFCOMM, the method comprising the steps of:

detecting a new connection to the remote device; determining whether or not the remote device is a dial-up networking device; and in response to determining that the remote device is not a dial-up networking device, allowing the application access to the remote device through an interface to a transport layer ("port") of the computer. (column 2, lines 19-35; column 5, lines 4-44, specifically lines 20-24)

Regarding claim 3, Hampson discloses a method of automatically routing an RFCOMM connection to an appropriate device type comprising the steps of:

detecting a new device for connection; determining whether or not the new device is a dial-up networking device; and in response to determining whether or not the new device is a dial-up networking device, enumerating a physical device object ("...from a physical accessory...exchanging data"; see also "OBEX"; column 10, lines 55-58) associated with the new device if the new device is a dial-up networking device and exposing the device to an application by way of a transport driver interface ("port") if the device is not a dial-up networking device. (column 2, lines 19-35; column 5, lines 4-44, specifically lines 20-24; column 10, lines 44-58)

Regarding claim 4, Hampson discloses a method of using a BLUETOOTH-aware transport helper module for connecting a legacy application lacking any BLUETOOTH-specific functions to a remote BLUETOOTH device in a manner that is transparent to the application, wherein the application is hosted on a first computer and wherein the

first computer also hosts a BLUETOOTH communications stack, and wherein the remote BLUETOOTH device is connectable to the first computer via a BLUETOOTH radio link, the method comprising:

automatically detecting at the transport service module on the first computer the presence of the remote BLUETOOTH device; determining automatically at the transport service module whether the remote BLUETOOTH device is a dial-up network device; and in response to determining whether the remote BLUETOOTH device is a dial-up network device, automatically assigning at the transport service module an interface to the remote BLUETOOTH device, wherein the interface allows the application to utilize at least a portion of the BLUETOOTH communications stack to communicate with the remote BLUETOOTH device ("...from a physical accessory...exchanging data"; see also "OBEX"; column 10, lines 55-58), wherein if it is determined that the remote BLUETOOTH device is a dial-up network device, the interface appears to the application as a standard modem interface. (column 2, lines 19-35; column 3, line 61-column 4, line 4; column 5, lines 4-44, specifically lines 20-24; column 10, lines 44-58)

Regarding claim 7, Hampson discloses the method according to claim 4, wherein automatically assigning at the transport service module an interface to the remote BLUETOOTH device further comprises assigning a socket to the remote BLUETOOTH device for communications between the application and the remote BLUETOOTH device. (column 1, line 66-column 2, line 1; column 10, lines 44-58)

Regarding claim 8, Hampson discloses the method according to claim 7, wherein the interface allows the application to treat the remote BLUETOOTH device as a standard network interface card. (column 3, line 61-column 4, line 4)

Regarding claim 9, Hampson discloses the method according to claim 4, wherein the remote BLUETOOTH device is a dialup networking device associated with a second computer, the method further comprising using the interface assigned to the remote BLUETOOTH device to execute peer-to-peer communications between the first and second computers. (column 2, lines 11-35)

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hampson et al. in view of Caushik (US Patent 6 041 075 A).

Regarding claim 5, Hampson discloses the method according to claim 4.

Hampson does not expressly disclose wherein the interface assigned to the remote BLUETOOTH device comprises a UNIMODEM interface, however, Caushik discloses that the UNIMODEM interface is well known and used in the art in the context of providing an abstracted interface to applications to permit communications via telephone lines (column 1, line 10-42).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to use a UNIMODEM interface to appear as a standard modem interface as disclosed in Hampson.

Regarding claim 6, Hampson discloses the method according to claim 4.

Hampson does not expressly disclose wherein the interface assigned to the remote BLUETOOTH device comprises a Telephony API, however, Hampson does disclose that an API is used in conjunction with the invention (column 5, lines 25-33)

Caushik discloses that using a Telephony API is well known and used in the art in the context of providing an abstracted interface to applications to permit communications via telephone lines (column 1, line 10-42)

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to use a Telephony API to appear as a standard modem interface as disclosed in Hampson.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6 519 644 B1 to Lindquist et al;

US Patent 6 574 678 B1 to Nykanen et al;

US Patent 6 675 196 B1 to Kronz;


IBM Corporation. "Bootstrapping LAN Access Using PPP Configuration via OBEX Object Transfer". IBM Technical Disclosure Bulletin, 1 December 1999, Issue No. 428, page 1688.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C Neurauter, Jr. whose telephone number is 703-305-4565. The examiner can normally be reached on Monday-Saturday 5:30am-10pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn

  
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